

FCC MAIL ROOM

WILLIAM J. PENNINGTON III

ATTORNEY AT LAW

P.O. BOX 403
WESTFIELD, MA 01086-0403

PHONE/FAX: (413) 562-3341

OCT 28 1996

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PRACTICE LIMITED TO
MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

ADMITTED IN
SOUTH CAROLINA
NORTH CAROLINA

October 21, 1996

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

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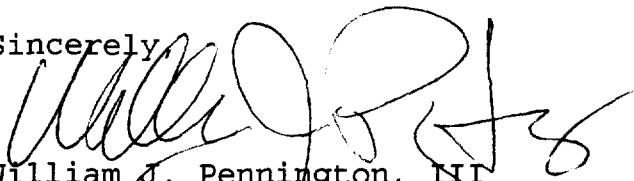
RE: Petition For Rule Making (Minden, Louisiana)

Dear Mr. Caton:

Transmitted herewith, on behalf of Ninety-Five Point Seven, Inc. and Bundrick Communications, Inc., is an original and four copies of "Joint Petition For Rule Making And Request For Modification of Station Licenses".

Should there be any questions regarding this material please do not hesitate to contact the undersigned.

Sincerely,



William J. Pennington, III
COUNSEL TO NINETY-FIVE POINT SEVEN, INC.
COUNSEL TO BUNDRICK COMMUNICATIONS, INC.

Enc.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No.
Table of Allotments) RM-
FM Broadcast Stations)
(Minden and Natchitoches,)
Louisiana))

Directed to: Chief, Allocations Branch
Policy and Rules Division
Mass Media Services

**JOINT PETITION FOR RULE MAKING AND
REQUEST FOR MODIFICATION OF STATION LICENSES**

Ninety-Five Point Seven, Inc. (hereinafter "Ninety-Five"), assignee¹ of Station KASO-FM at Minden, Louisiana and Bundrick Communications, Inc. (hereinafter "BCI"), licensee of Station KZBL(FM) at Natchitoches, Louisiana, hereby jointly petition the Commission to institute a rule making proceeding which seeks (1) the substitution of Channel 239C2 for Channel 239A at Minden, Louisiana and the modification of the license for Station KASO-FM accordingly²; and (2) the substitution of Channel 264A for Channel 240A at Natchitoches, Louisiana and the modification of the license

¹ The Commission on July 16, 1996 granted the assignment of the Station KASO-FM license from Cook Enterprises, Inc. to Ninety-Five Point Seven, Inc. (FCC File No. 900517ED). The license assignment will take place in November of 1996.

² Station KASO-FM presently has an application pending before the Commission seeking a "one step" upgrade from Channel 239A to Channel 239C3 (FCC File No. 960830IC).

for Station KZBL(FM) accordingly.

In support of this allocation request, the following information is respectfully submitted:

1. As is demonstrated in the attached Exhibit 1, Channel 239C2 may be allocated to Minden, Louisiana with a site restriction of 8.5 kilometers northwest of the community of license if Channel 264A were substituted for Channel 240A at Natchitoches, Louisiana and the license of Station KZBL(FM) modified accordingly. Exhibit 2 shows that from the geographic coordinates of the proposed allocation, Channel 239C2 would easily place a 70 dBu service contour completely over the community of Minden.

2. To accommodate the proposed upgrade at Minden, Louisiana Channel 264A would have to be substituted for Channel 240A at Natchitoches and the license of Station KZBL(FM) modified accordingly. As is shown in Exhibit 3, Channel 264A may be substituted for Channel 240A at the presently authorized antenna site for Station KZBL(FM). Since Channel 264A may be used at the presently authorized KZBL(FM) antenna site, it is self evident that the station would easily provide 70 dBu service completely over the community of license. The proposed KZBL(FM) 70 dBu service contour for Channel 264A is shown in Exhibit 4.

3. Attached hereto as Exhibit 5 is the consent of BCI, the licensee of Station KZBL(FM) and a joint petitioner in this proceeding, agreeing to move Station KZBL(FM) from Channel 240A to Channel 264A.

4. The joint petitioners note that the Commission on numerous

occasions stated that the "substitution of an existing station's channel at one community serves the public interest where the substitution permits the provision of new or expanded service at another community." Eddyville and Fort Madison, Iowa, 4 FCC Rcd 7774 (1989); see also Marietta, Ohio and Ravenswood, WV, 2 FCC Rcd 4681 (1987) and Albany, NY, et al., 2 FCC Rcd 4300 (1987), 3 FCC Rcd 4681 (1987).

5. The allotment of Channel 239C2 to Minden and the modification of the license for Station KASO-FM to specify operation as a Class C2 facility will permit the Station to serve a much larger area, thereby increasing the number of broadcast signals available to the public in the given area and thus promoting efficient use of the spectrum. The Commission has determined that expanded service to the public and spectrum efficiency provide significant public interest benefits. See Report and Order in MM Docket No. 85-313, 60 RR 2d 114, 118 (1986). Thus, the instant proposal would serve the public interest.

6. If the Commission grants the proposed changes to the FM Table of Allotments, both Ninety-Five and BCI will immediately file the appropriate applications with the Commission to implement the requested changes. When the joint petitioners receive construction permits to cover those facility changes they will immediately begin construction.

7. In sum, it is requested that the FM Table of Allotments be changed as follows:

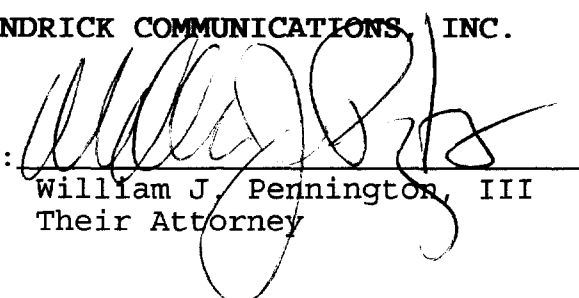
<u>COMMUNITY</u>	<u>ALLOTMENTS</u>	
	<u>EXISTING</u>	<u>PROPOSED</u>
Minden, LA	239A	239C2
Natchitoches, LA	240A, 249A	249A, 264A

WHEREFORE, based upon the foregoing, Ninety-Five Point Seven, Inc. and Bundrick Communications, Inc. requests that the Commission: (i) modify its FM Table of Allotments to substitute Channel 239C2 for Channel 239A at Minden, Louisiana and modify the license of Station KASO-FM accordingly; and (ii) substitute Channel 264A for Channel 240A at Natchitoches, Louisiana and modify the license of Station KZBL(FM) accordingly.

Respectfully submitted,

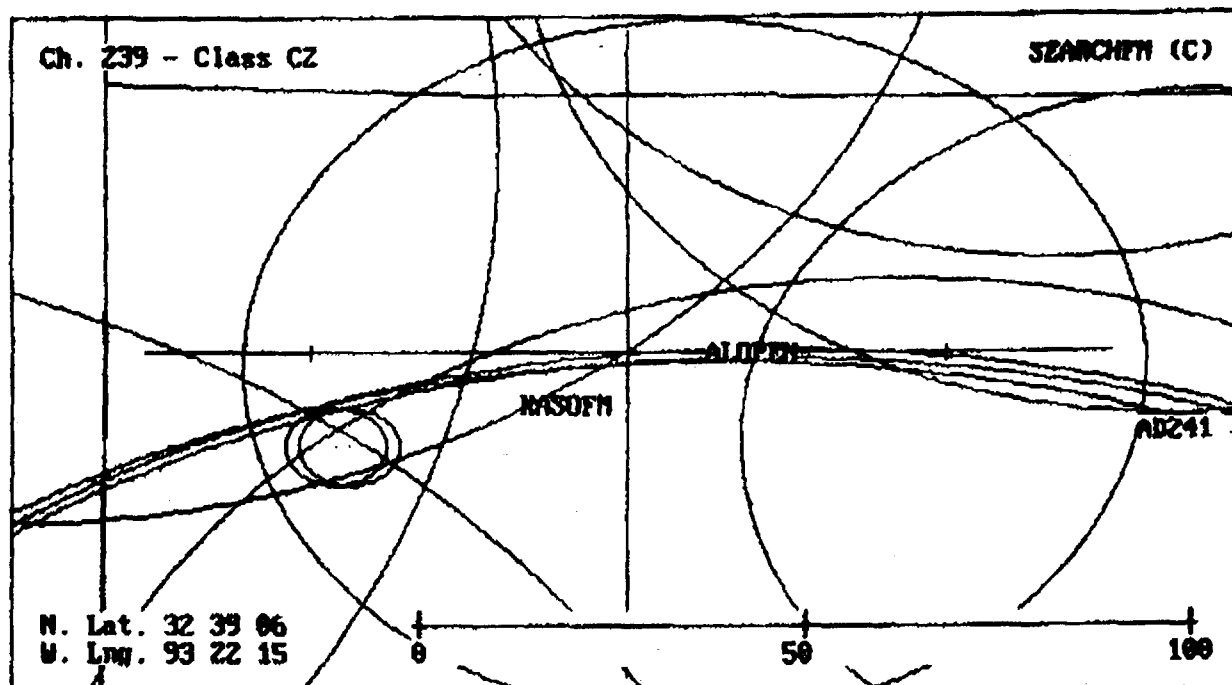
NINETY-FIVE POINT SEVEN, INC.

BUNDRICK COMMUNICATIONS, INC.

By: 
 William J. Pennington, III
 Their Attorney

William J. Pennington, III
 Attorney at Law (NC & SC BARS ONLY)
 Post Office Box 403
 Westfield, MA 01086
 (413) 562-3341

October 20, 1996



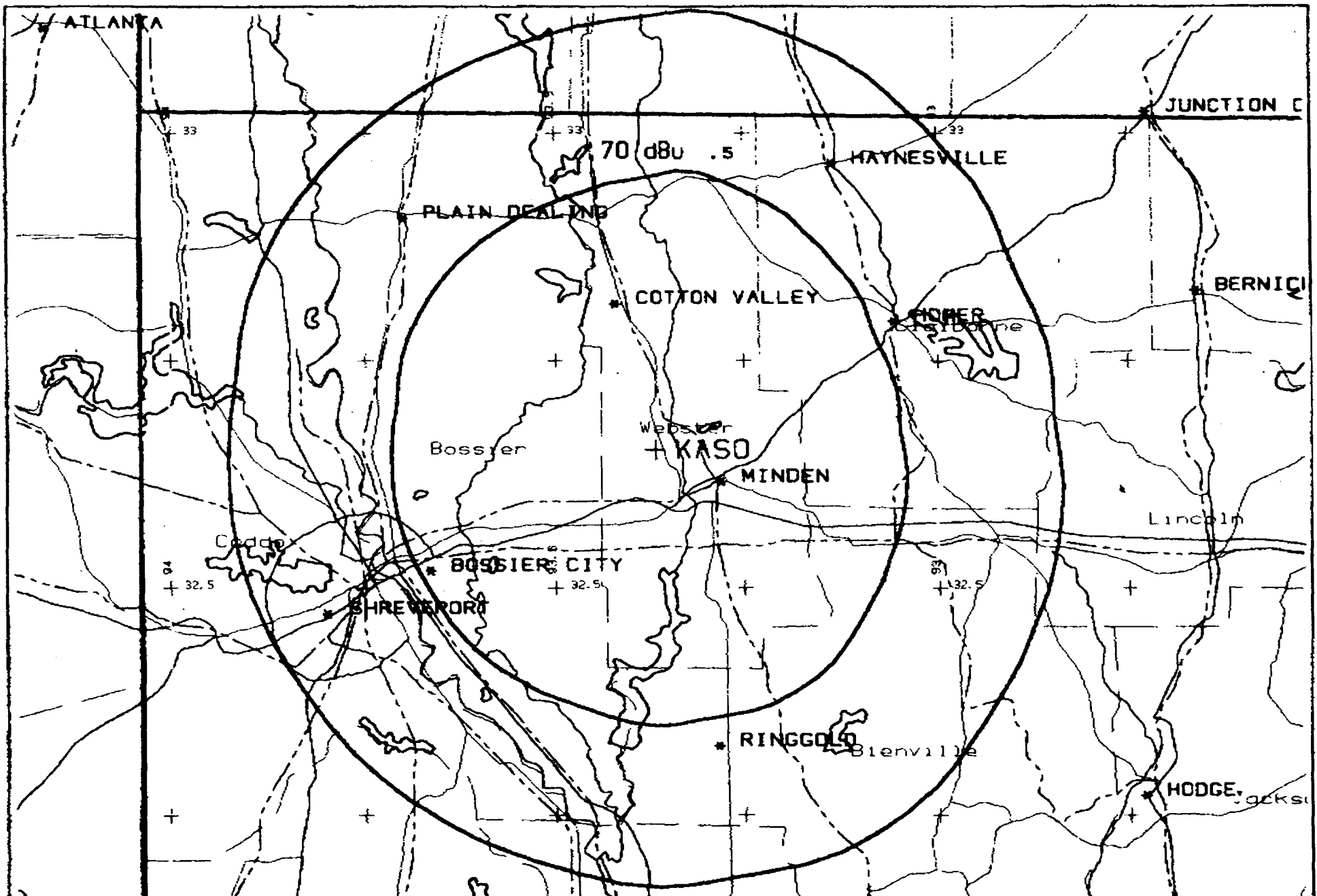
Search 10-18-96

Current rules spacings

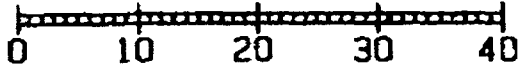
 CHANNEL 239 - 95.7 MHz

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
ALOPEN	239C3	Minden	LA	105.7	8.64	177.0	-168.36 *
KASOFM	239C3	Minden	LA	234.7	18.22	177.0	-158.78 *
ALOPEN	239A	Minden	LA	105.7	8.64	166.0	-157.36 *
KASOFM	237A	Minden	LA	105.7	8.64	55.0	-46.36 *
KZBL	240A	Natchitoches	LA	160.8	99.39	106.0	-6.61 */1
KLLI	240C3	Hooks	TX	319.7	117.18	117.0	0.18 <
AP239	239A	South Fort Polk	LA	173.9	166.31	166.0	0.31 <
ALOPEN	239A	South Fort Polk	LA	176.2	167.70	166.0	1.70 <
AP239	239A	South Fort Polk	LA	174.1	167.72	166.0	1.72 <
AD241	241A	Ruston	LA	101.5	70.19	55.0	15.19
AD241	241A	Ruston	LA	101.5	70.19	55.0	15.19
KBYB	241C1	El Dorado	AR	44.1	95.89	79.0	16.89
AD239	239A	Winnsboro	TX	280.0	184.91	166.0	18.91
KCXY.C	237C1	East Camden	AR	29.0	108.03	79.0	29.03
KAFXFM	238C1	Diboll	TX	223.7	190.69	158.0	32.69

/1 STATION KZBL(FM) PROPOSED TO MOVE TO CHANNEL 264A AS PART OF THIS RULE MAKING PETITION. THUS, THERE IS NO SHORT SPACING.



Scale in km



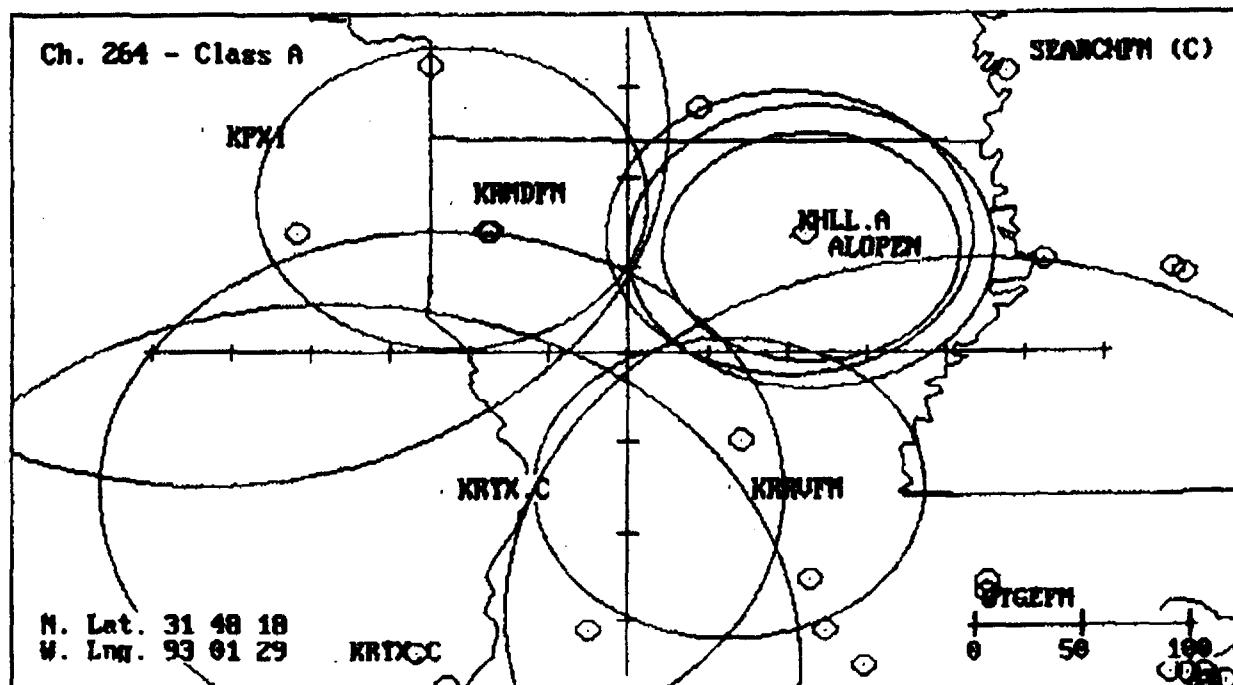
KASO 239 50kW

N. Lat. 32 39 06

W. Lng. 93 22 15

MINDEN

CONTOURS INC. - 10/96



Search 10-18-96

Current rules spacings

CHANNEL 264 -100.7 MHz

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KRTX.C	264C2	Jasper	TX	226.3	126.60	166.0	-39.40 * /1
KRLVFM	262C	Alexandria	LA	149.9	98.96	95.0	3.96
WTGEFM	264C	Baton Rouge	LA	134.5	233.89	226.0	7.89
KRTX.C	264C	Winnie	TX	216.4	241.68	226.0	15.68
KHLL.A	265C3	Richwood	LA	46.7	108.74	89.0	19.74
ALOPEN	265C3	Richwood	LA	53.5	112.12	89.0	23.12
KPXI	264C	Mount Pleasant	TX	304.1	251.61	226.0	25.61
KRMDFM	266C	Shreveport	LA	318.7	129.87	95.0	34.87
KHLL.C	265A	Richwood	LA	53.5	112.12	72.0	40.12

/1 CHANNEL 264C2 DELETED FROM JASPER, TEXAS. STATION KRTX(FM) AT JASPER CHANGED COMMUNITY OF LICENSE TO WINNIE, TEXAS AND UPGRADED FACILITIES TO CLASS C1.

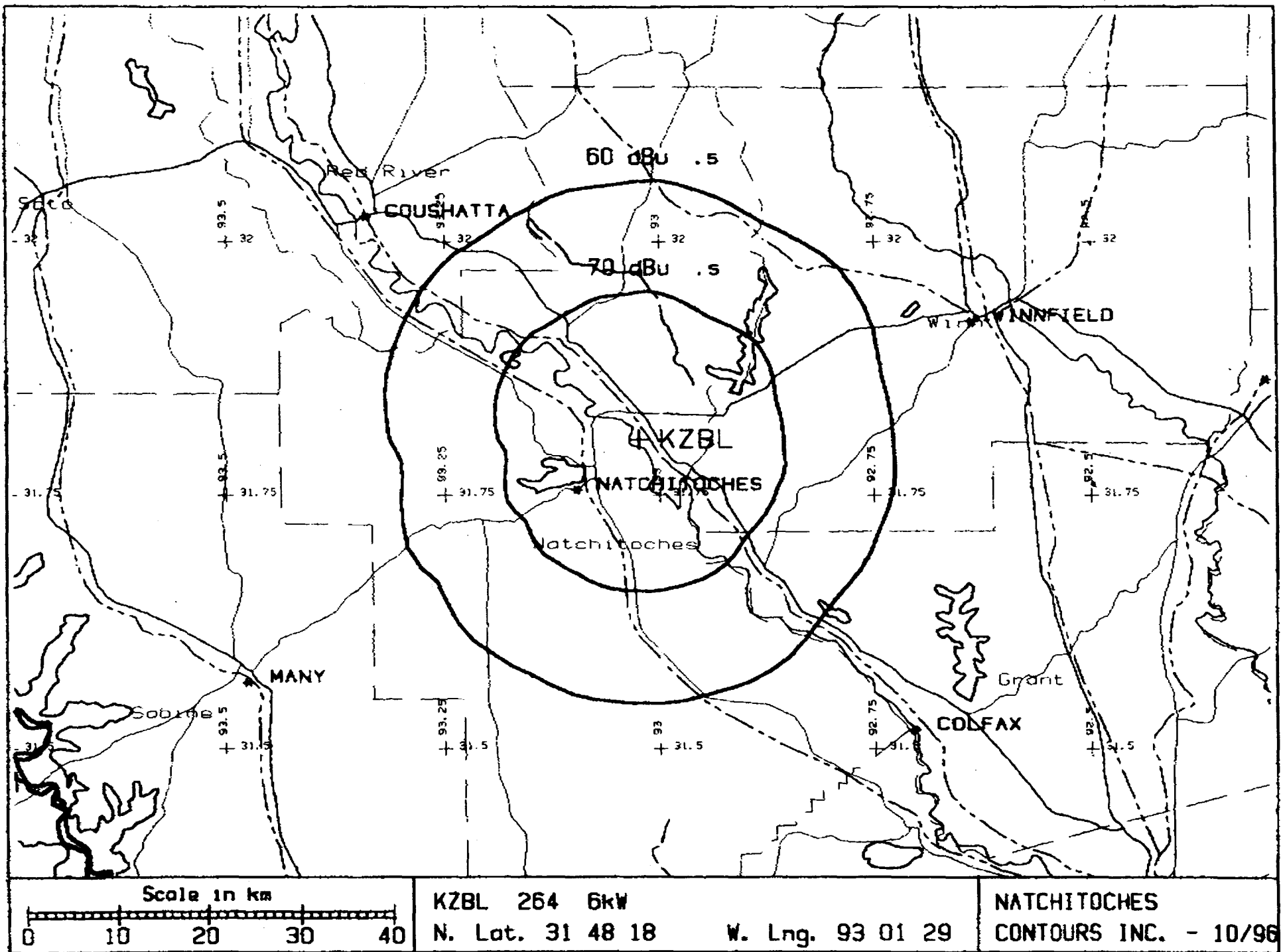


EXHIBIT 5

CONSENT OF BUNDRICK COMMUNICATIONS, INC.

STATION KZBL(FM)
NATCHITOCHES, LOUISIANA

Bundrick Communications hereby agrees to have Station KZBL(FM)'s license modified to change frequency from Channel 240A (95.9 MHz.) to Channel 264A (100.7 MHz.). Bundrick Communications understands that this statement may be used in a filing with the Federal Communications Commission and hereby authorizes its use for that purpose.

I verify that this statement is true and accurate to the best of my knowledge, information and belief and is made in good faith.

BUNDRICK COMMUNICATIONS

By: 

Hal Bundrick

Sole Proprietor

Dated: 10/15/96